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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FERNANDEZ RIVAS, OMAR F

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,444	Applicant(s) KARNAWAT ET AL.	
	Examiner Omar F. Fernández Rivas	Art Unit 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/1/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 are pending on this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites in lines 6-7: "...according to that which lead to the feedback". It is not clear to the Examiner what the intent of this part of the limitation is.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-12, 26-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebesheimer et al. in view of Fries et al. (US Patent Application #2002/0152190, referred to as **Biebesheimer**; US Patent # 6,751,606, referred to as **Fries**).

Claim 1

Biebesheimer teaches a method with regard to a user performing a search at a search engine by way of a search mechanism (**Biebesheimer**: abstract, L1-23; Examiner's Note (EN): a query is a search), said method comprising: monitoring the search mechanism for user behavior data regarding interactions between the user and the search mechanism during performance of the search thereat (**Biebesheimer**: abstract; page 1, par 2, L1-7; page 6, pars 49-50; EN: monitoring user interactions is monitoring user behavior data), the user behavior data comprising data concerning a plurality of events, each event corresponding to an action of the user at the search mechanism during the search (**Biebesheimer**: abstract; page 1, par 2, L1-7; page 2, pars 18 and 19; pages 4-5, pars 41 and 42; page 6, pars 49-50; EN: capturing the interactions of the user); monitoring said search mechanism for response data regarding said search, the response data comprising a results list (**Biebesheimer**: page 2, par 18; page 9, par 73; EN: the response set is a results list); determining context data describing said search, the context data being derived from the user behavior data and from the response data and representing an overall context of the search (**Biebesheimer**: page 2, par 18; page 3, par 30; page 4, par 35; page 5, par 41, L7-17); and performing a context-dependent evaluation of the results of the search engine based at least in part on the determined context data and the determined user feedback data (**Biebesheimer**: abstract, L17-26; page 2, pars 19-20; page 3, par 29, L13-24; page 4, par 37; page 5, pars. 42-44; the system is trained based on the

feedback from the user. The performance of the indexing function is evaluated with the user feedback).

Biebesheimer does not teach determining user feedback data describing said search, the user feedback data including implicit user feedback derived from the user behavior data and explicit user feedback derived from at least one question to the user regarding the search and the response to the question.

Fries teaches determining user feedback data describing said search, the user feedback data including implicit user feedback derived from the user behavior data and explicit user feedback derived from at least one question to the user regarding the search and the response to the question (**Fries**: abstract: L9-16; C5, L52-65; C9, L5-20; C23, L29-42; Figs 4A, 4B, 5, 6, 18 and 19).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Biebesheimer by incorporating determining user feedback data describing said search, the user feedback data including implicit user feedback derived from the user behavior data and explicit user feedback derived from at least one question to the user regarding the search and the response to the question as taught by Fries for the purpose of allowing the system to modify its response based on the interactions that the user has made with the system so that future responses are more fit to the user's needs or preferences.

Claim 2

Biebesheimer teaches said search mechanism is a web browser (**Biebesheimer**: page 3, par 33, L14-17).

Claim 3

Biebesheimer teaches each action from the user at the search mechanism is selected from among entering a search query; said user navigation to a new page using a hyperlink; said user navigation to a new page using a history list; said user navigation to a new page using an address bar; said user navigation to a new page using a favorites list; user scrolling behavior; user document printing behavior; said user adding a document to said favorites list; said user switching focus to a different application; said user switching focus back from a different application; and said user closing a window (**Biebesheimer**: abstract, L1-12; page 3, par 30; page 8, par 67; Fig. 1; EN: receiving a user query).

Claim 9

Biebesheimer teaches said context data describing said search comprises user behavior data (**Biebesheimer**: abstract, L4-12; page 4, par 35, L1-9; page 5, par 41, L7-17; page 12, claim 9; user interaction data is user behavior data).

Claim 10

Biebesheimer teaches said user feedback data comprises explicit user feedback (**Biebesheimer**: page 5, par 41, L7-17; page 6, par 50; page 12, claim 7; EN: present user interaction data is explicit feedback).

Claim 11

Biebesheimer teaches said user feedback data comprises implicit user feedback based on said user behavior data (**Biebesheimer**: page 2, par 19, L3-12; page 12, claims 7 and 12; EN: history of user interaction feedback is implicit user feedback).

Claim 12

Biebesheimer teaches a computer-readable medium having computer-executable instructions to perform the method of claim 1 (**Biebesheimer**: page 13, claim 20).

Claim 26

Biebesheimer teaches the search comprises a number of queries from the user to the search engine (**Biebesheimer**: abstract, L1-12; page 3, par 30; page 8, par 67; Fig. 1; EN: receiving a user query), each query being followed by a response from the search engine (**Biebesheimer**: page 2, par 18; page 9, par 73; EN: presenting a response set), the method comprising determining context data that describes each query of the search (**Biebesheimer**: page 2, par 18; page 3, pars 30 and 32), including timing and how the user reacted to the corresponding response (**Biebesheimer**: page 3, par 30; pages 4-5, pars 41-42; EN: the selections made by the user on the response set), and performing the context-dependent evaluation of the results of the search engine based on such context data that allows corresponding user feedback data to be analyzed according to that which lead to the feedback (**Biebesheimer**: abstract, L17-26; page 2, pars 19-20; page 3, par 29, L13-24; page 4, par 37; page 5, pars. 42-44; the

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system is trained based on the feedback from the user. The performance of the indexing function is evaluated with the user feedback).

Claim 27

Biebesheimer teaches determining user feedback data that describes the search (Biebesheimer: abstract; page 2, pars 18-19), the user feedback data including implicit user feedback derived from user behavior including browsing, scrolling, and clicking behavior (Biebesheimer: abstract, L17-26; page 2, par 19, L15-20; page 3, par 32; EN: past user interactions are implicit feedback).

Claim 29

Biebesheimer teaches determining user feedback data that describes the search, the user feedback data including explicit user feedback by way of a dialog box opened at the search mechanism of the user (Biebesheimer: page 7, par 63, L6-12; EN: entering text via a web browser is done by using dialog boxes).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebesheimer and Fries as set forth above in view of <http://Whatis.techtarget.com> (State Machine; referred to as **Whatis**).

Claims 5 and 17

Biebesheimer and Fries do not teach tracking, using a state machine comprising at least two states describing progress through said search, which of said states said search is in.

Whatis teaches tracking, using a state machine comprising at least two states describing progress through said search, which of said states said search is in (**Whatis**: pages 1 and 2; EN: a state machine describes the transitions (progress) from one state to another in a system based on the inputs received and outputs produced. If a state machine is used to implement a search system, the state machine will describe in which state the search is in).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the combined teachings of Biebesheimer and Fries by using a state machine to describe the state of the search as taught by Whatis for the purpose of having a mapping between the state of the search and the inputs received and the outputs produced by the system.

Claims 6 and 18

Biebesheimer teaches said context data describing said search comprises state data regarding which of said states were tracked during said search (**Biebesheimer**: abstract, L4-12; page 3, par 29, L13-24; EN: the inputs given by the user will drive the

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system to the next state).

Claims 7 and 19

Biebesheimer teaches least one transition between said states in said state machines is at least partially dependent on explicit user feedback (**Biebesheimer**: abstract, L4-12; page 3, par 30, L1-17; page 12, column 1, L3-8, page 12, claim 7; present user interactions or queries are explicit user feedback that will define a transition in the system).

Claims 8 and 20

Biebesheimer teaches said context data describing said search comprises said explicit user feedback (**Biebesheimer**: abstract, L4-12; page 5, par 41, L7-17; page 12, column 1, L3-8; EN: the context is associated with the query (explicit feedback)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biebesheimer in view of Fries as set forth above in view of Hosken (US Patent #6,438,579, referred to as **Hosken**).

Claim 28

Biebesheimer teaches determining user feedback data that describes the search, the user feedback data including implicit user feedback (**Biebesheimer**: page 2, par 19, L3-12; page 12, claims 7 and 12) including: user behavior relating to the user ignoring a result item of a result list (**Biebesheimer**: page 2, par 19, L15-20; EN: if retrieving an item is viewed as successful, ignoring the items will be a failure).

Biebesheimer and Fries do not teach the implicit user feedback including user behavior while visiting a result list page, including time spent thereat; user behavior while exploring a hyperlink on the result list page, including time spent thereat; and user behavior while visiting a result item page, including the time spent thereat.

Hosken teaches the implicit user feedback including user behavior while visiting a result list page, including time spent thereat (**Hosken**: C3, L21-30; C5, L42-62); user behavior while exploring a hyperlink on the result list page, including time spent thereat (**Hosken**;; C3, L21-30; C4, L29-43; C5, L42-62; if the system uses a web browser, it must use hyperlinks to enable a user to select an item from the list); and user behavior while visiting a result item page, including the time spent thereat (**Hosken**;; C3, L21-30; C4, L29-43; C5, L42-62).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the combined teachings of Biebesheimer and Fries by incorporating teach the implicit user feedback including user behavior while visiting a result list page, including time spent thereat; user behavior while exploring a hyperlink on the result list page, including time spent thereat; and user behavior while visiting a

result item page, including the time spent thereat as taught by Hosken for the purpose of measuring the interest of the user in a particular item so that the system can modify its response to present the user with similar items in future searches.

Response to Applicant's arguments

Claim Rejections - 35 USC § 101

6. In light of the amendments made, the rejection under 35 USC § 101 has been withdrawn.

Claim Rejections - 35 USC § 102

7. The Applicant's arguments regarding the rejection under 35 U.S.C. 102 have been fully considered but are moot in view of new grounds of rejection necessitated by the amendment.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Claims 1-3, 5-12 and 26-29 are rejected.

Correspondence Information

10. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email omar.fernandez_rivas@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas
Patent Examiner
Artificial Intelligence Art Unit 2129
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Patent & Trademark Office

David Vincent 10/26/06
DAVID VINCENT
SUPERVISORY PATENT EXAMINER

Tuesday, October 24, 2006.

OFR